



3738
#41 election
and B
Attorney Docket No. 56876 (45579)
5-2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: K. Osterh et al.

EXAMINER: Miller, Cheryl L.

RECEIVED

U.S.S.N.: 10/057,112

GROUP: 3738

MAY 15 2003

FILED: January 25, 2002

CONF. NO.: 1887

TECHNOLOGY CENTER R3700

FOR: IN VITRO REPAIR OF BONE AND/OR CARTILAGE DEFECTS

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope with sufficient postage as First Class Mail addressed to: Mail Stop Non-Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2003.

By:

Helen Murray Tarbi
Helen Murray Tarbi

Mail Stop Non-Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT
AND ELECTRON OF SPECIES REQUIREMENT**

Applicants respond as follows to the Restriction Requirement and Election of Species Requirement as set forth in the Office Action dated April 2, 2003.

IN THE CLAIMS

Please **cancel** claims 1-28, 34-38, 43-51 and claims 53-57.

Please **amend** claim 39 as follows.

B 39. A membrane according to claim 29, wherein the stimulation molecule comprises at least one RGD motif.

Attorney Docket No. 56876 (45579)
U.S.S.N. 10/057,112
Filing date: January 25, 2002
Response to Restriction Requirement
pg.2 of 3

**RESPONSE TO RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES REQUIREMENT**

Applicants hereby elect Group I, claims 29-42 and 52, drawn to a membrane, and Species 1, Figure 1 with traverse. The election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications based on the non-elected claims is reserved.

With respect to the Election of Species Requirement, Applicants traverse the Requirement. An interface membrane (i.e., Species 2, Figure 2) used to repair bone and cartilage is encompassed within the scope of at least claim 29 which is drawn to a membrane which can be used to repair cartilage. Accordingly, there would be no burden on the Examiner to examine all of the claims in Group I.

In view thereof, reconsideration of the Restriction Requirement and Election of Species Requirement as set out in the Office Action is respectfully requested.

Although it is not believed that any fee is required to consider this submission, the Examiner is hereby authorized to charge our deposit account 04-1105 should any fee be deemed necessary.

Date: May 2, 2003

Respectfully submitted,



Dianne M. Rees, Ph.D.

Reg. No. 45,281

EDWARDS & ANGELL, LLP

Intellectual Property Group

P.O. Box 9169

Boston, MA 02209

Telephone: 617-439-4444
Customer No. 21874
BOS2_334100.1